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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Cheryl Sagataw and DeAnthony  
Barnes, *on behalf of themselves and a  
class of similarly situated  
individuals,*

Ct. File No. 24-cv-00001(ECF/TNL)

Plaintiffs,

**DECLARATION OF ENRIQUE  
VELAZQUEZ**

v.

Mayor Jacob Frey, *in his individual and  
official capacity.*

Defendant.

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Your Declarant is Enrique Velazquez, and he submits the following  
declaration:

1. I am the Director of Regulatory Services for the City of Minneapolis ("City"). I submit this declaration in support of the Answer of Defendant Mayor Jacob Frey. The information in this declaration is based on my personal knowledge from first-hand involvement and/or information I've learned from City employees occurring in the normal course of my work as the Director of Regulatory Services.

2. On August 24, 2023, the Minnesota Department of Transportation

(“MNDot”) cleared and closed an encampment on MNDot property known as the “Wall of Forgotten Natives.” Immediately following this closure, several individuals from this site broke through a fence surrounding a City-owned lot located at 2313 13<sup>th</sup> Avenue South. Within hours of breaking into the fenced property, approximately 40 individuals set up tents and formed a new encampment (“the Encampment”).

3. By August 29, 2023, the size of the Encampment grew to approximately 70 individuals and shortly thereafter rose to over 100 individuals.

4. The City’s Homeless Response Team (“HRT”) first visited the Encampment on August 24, 2023.

5. The City’s HRT connects homeless individuals with Hennepin County and other service providers for housing assessments and/or case management, service providers or assigned case workers, storage services in partnership with Downtown Improvement District, shelter services, medical attention through Healthcare for the Homeless, and transportation services to these and other resources.

6. The City’s HRT made no less than 15 separate visits to the Encampment with these offers of assistance.

7. On numerous occasions, the City’s additional outreach partners, including Agate, Avivo, Hennepin County’s Streets to Housing, and Healthcare

for the Homeless visited the Encampment to engage with the unsheltered individuals to provide services.

8. With the approval of Mayor Jacob Frey and the Minneapolis City Council, the City provided one-time funding to and has partnered with Helix Health and Housing Services (“Helix”), an organization that provides housing, mental health services, and substance use treatment to underserved populations in collaboration with Red Lake Nation. With the assistance of Helix’s outreach efforts, the City supported 104 residents at the Encampment with housing or other shelter options.

9. The City’s HRT also ensures that people are aware of free storage provided to homeless individuals through the City’s contract with the Downtown Improvement District (“DID”), an arrangement championed by Mayor Jacob Frey. Individuals can bring their personal property directly to DID for free, safe and secure storage. Alternatively, the City’s HRT will bring DID bins to an encampment and transport them back to DID for storage. DID will store individuals’ personal property for an unlimited amount of time, provided that individuals using storage check-in with DID once every 14 days. The City’s HRT provided information about free, secure, unlimited property storage on every visit to the Encampment and continued to do so up until the date of the closure. No one at the Encampment chose to use the free DID storage offered by the City.

10. On October 11, 2023, the Directors of the City's Community Planning and Economic Development Department and the City's Regulatory Service Department, with the approval of Mayor Frey, met with Encampment organizers to evaluate the situation, observe conditions, and discuss closure.

11. The City historically does not provide portapotties at encampments. Recognizing the volume of people that were present at the Encampment and livability impacts for the surrounding community, however, City staff worked to add portapotties at the Encampment as part of a plan to work towards a healthy closure of the Encampment.

12. Identifying a willing vendor was challenging, as vendors have been harassed and assaulted when servicing or removing portapotties in other encampments, and portapotties are regularly vandalized and service vehicles damaged when engaging in encampment response work.

13. The City was able to secure four portapotties placed immediately outside of the Encampment, including an accessible portapotty for residents with limited mobility. The Encampment portapotties were serviced six days per week.

14. In an effort to work towards a collaborative closure, the City increased the frequency with which the City contractor removed rubbish from outside the Encampment from once to twice a week. Public Works eventually took over collection, placed refuse containers on site, and began servicing the area five times

per week.

15. In general, criminal activity associated with encampments pose risks to not only those living in the encampment, but the community at large.

16. During its existence, there were more than one hundred 911 calls to Minneapolis Police and Fire Departments relating to the Encampment. The calls related to illegal activity at the Encampment including but not limited to death threats among campers, assaults, gunshots wounds, stolen vehicles, vandalism and property damages, drug overdoses, and fires.

17. In October 2023, there were two notably tragic incidents at the Encampment – one that involved the death of a newborn baby, and one that involved the drug overdose death of an individual at the Encampment.

18. On November 1, 2023, leaders from the Metropolitan Urban Indian Directors (“MUID”) reached out to City Staff and Mayor Frey via a letter demanding that the Encampment be closed immediately, citing concerns not only about the recent deaths and other crimes, but that criminal activity was being hidden from law enforcement due to threats and physical violence inflicted on those reporting. A true and correct copy of the MUID letter to the City is attached hereto as Exhibit A.

19. On December 12, 2023, a 45-year-old man was killed at the Encampment after being shot six times.

20. Due to escalating violence and safety concerns, the Encampment was set for closure on December 14, 2023 and notice of the closure was posted on December 7, 2023.

21. Mayor Frey determined that a short delay was appropriate to give those remaining at the Encampment additional time to access shelter and services. Accordingly, a new closure date was set for December 19, 2023.

22. During this time between December 7 and December 19, 2023, the City's HRT team made numerous visits to the Encampment, offering connection to shelter and services, as well as providing free storage options for personal property.

23. On December 14, 2023, members of the Minneapolis City Council and representatives from Mayor Frey's office, along with County Commissioners, state legislators, and services providers, met with Encampment leaders. There was broad agreement that the Encampment needed to close, but the City leadership, including Mayor Frey, agreed to another extension to provide even more time for access to services and shelter. At that meeting, Encampment organizers asked that residents of the Encampment be moved to a temporary, 24/7, indoor facility. The City actively worked to vet that request along with the County, State, and several experienced social service providers. Four experienced and trusted service providers who were capable of providing this level of support were identified:

Agate Housing and Services, American Indian Community Development Corporation, Avivo, and Simpson Housing Services. After several discussions, all four providers said they could not take on the role of managing such a project. Capacity, resources (financial and human capital), and other competing priorities were given as primary reasons for this decision. However, these providers said they had the collective capacity to provide supportive housing to approximately 45 to 60 individuals, including offering residents mental health and substance use disorder services. Additionally, with help from Hennepin County and the State of Minnesota, Salvation Army and Rescue Now made plans to add 90 beds to the shelter system the week of January 1, 2024. Hennepin Shelter Hotline, in partnership with the Adult Shelter Connect, also made plans to help people access these additional beds as well as beds that become available in existing shelters. The closure of the Encampment was rescheduled for January 4, 2024.

24. Notice of the Encampment closure was posted on December 29, 2023, six days in advance of the closure.

25. Hennepin County service providers represented to the City that they engaged with everyone at the Encampment.

26. During the time between December 14, 2023, up to the closure, City staff spent hundreds of collective hours preparing for the closure, allocating resources, designating staff, and assuring that all available shelter and property

storage resources had been repeatedly made available to those at the Encampment and that shelter was available for all Encampment individuals.

27. The City conducts encampment closures in accordance with a set of operational guidelines. A true and correct copy for the City's Operational Guidance document is attached hereto as Exhibit B.

28. Prior to an encampment closure, it is the City and Mayor Frey's practice to post notice at least 72 hours in advance, absent specific circumstances.

29. On January 4, 2024, the Encampment was closed as scheduled. On the day of the Encampment closure, representatives from multiple departments were on site. Staff, including the Directors, from the City of Minneapolis Department of Regulatory Services and Department of Community Planning and Economic Development were present. Minneapolis Public Works was present to assist with cleaning the site. Minneapolis Police Department officers were on site to support the other City staff and ensure that homeless individuals, the community, and City staff were safe throughout the duration of the closure. On the day of the closure, City staff stood by as those in the Encampment conducted a morning ceremony, held a lengthy press conference, and packed all of their belongings for transport off of the site. The closure was peaceful, and there have been no claims that any individual lost property at the closure.

30. Now that the Encampment is closed, pre-development activity for a



new community center will be able to start. The Indigenous Peoples Task Force (“IPTF”) has a redevelopment agreement with the City to construct the Mikwanedun Audisookon Art and Wellness Center (the “Center”) on the site of the Encampment. According to IPTF, pre-purchase, pre-development work is necessary to make it possible to break ground shortly after purchase, which is currently set for February 2024. When finalized, the site will include IPTF office and clinic space, a commercial kitchen, community garden, small theater, art workshop and gallery, and space to support neighborhood partnerships and entrepreneurship and employment training.

31. I declare under penalty of perjury that everything I have stated in this declaration is true and correct. Signed in Hennepin County, Minnesota.

Dated: 1/23/24

/s/ Enrique Velazquez  
Enrique Velazquez